

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 23-5110**September Term, 2023****1:21-cv-02380-BAH****Filed On:** January 8, 2024

People for the Ethical Treatment of Animals,
et al.,

Appellants

v.

Lawrence A. Tabak, in his official capacity as
Acting Director of the National Institutes of
Health and Xavier Becerra, in his official
capacity as Secretary of the U.S. Department
of Health and Human Services,

Appellees

BEFORE: Henderson, Childs, and Pan, Circuit Judges

ORDER

Upon consideration of the consent motion to remand case, it is

ORDERED that the motion be granted and the record remanded to the district court to enable it to enter a ruling on appellants' consent motion to dismiss claims with prejudice, which the district court has expressed its willingness to do. See Fed. R. App. P. 12.1; D.C. Cir. Rule 41(b). It is

FURTHER ORDERED that this case be held in abeyance pending further order of the court. This court retains jurisdiction over the case, and appellants must promptly notify the Clerk when the district court has decided the motion to dismiss on remand. See Fed. R. App. P. 12.1(b). The parties are directed to file motions to govern future proceedings in this court within 30 days of appellants' notification.

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 23-5110

September Term, 2023

The Clerk is directed to transmit a copy of this order to the district court.

Per Curiam

FOR THE COURT:

Mark J. Langer, Clerk

BY: /s/

Selena R. Gancasz

Deputy Clerk